

4093. Misbranding of "Dr. Hale's Household Ointment." U. S. v. Henry O. Kenyon et al. (Kenyon & Thomas Co.). Plea of guilty. Fine, \$10. (F. & D. No. 5855. I. S. No. 4540-e.)

On March 15, 1915, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Henry O. Kenyon, Frank S. Kenyon, and Charles H. Kenyon, trading as Kenyon & Thomas Co., Adams, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about February 19, 1913, from the State of New York into the State of Missouri, of a quantity of "Dr. Hale's Household Ointment" which was misbranded. The product was labeled: (On carton) "Dr. Hale's Household Ointment for General Use Kenyon & Thomas Co., Prop. Adams, N. Y. Price, 50 Cents. Relieves Pain Immediately. Guaranteed by Kenyon & Thomas Co., under the Food and Drugs Act, June 30, 1906. Serial No. 280. Directions Inside Kenyon & Thomas Co., Adams, N. Y. Proprietors." (On tin box) "Dr. Hale's Household Ointment for General Use No. 280. Guaranteed by Kenyon & Thomas Co. under the Pure Food and Drugs Act, of June 30, '06 Registered No. 5435. Kenyon & Thomas Co., Props. Adams, N. Y. Price, 50 Cents Relieves Pain immediately."

The circulars or pamphlets accompanying the product contained, among other things, the following: "An Infallible Remedy. Relieves all Pain Immediately. A Positive Specific for the Speedy and Permanent Cure of Rheumatism, Lamé Back, Neuralgia, Headache, Sciatica, Salt Rheum, Eczema, Erysipelas, Ring Worm, Tetter, Scaly or Itching Eruptions of the Skin, and all Scaly Eruptions, Itching and Irritations of the Scalp, Scald Head, Scrofulous Ulcers, Sores and Discharging Wounds, Cuts, Wounds, Bruises, Scalds, Piles, Contraction of the Muscles and Cords, Sore Throat, * * * Croup and Hoarseness. * * *" "Inflamed Sore Eyes—Apply the Ointment to the temples and eye-lids, and sides of the nose. It takes out all inflammation and heals quickly." "For the Use of Ladies—For weak back it is most excellent. For ulceration of the Womb, Leucorrhœa or Inflamed condition of the parts apply the Ointment directly to the affected part. It is very soothing and healing and has effected remarkable cures."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Residue on ignition: None.

Volatile material at 100° C. (per cent): 5.9.

Borax: None.

Salicylic acid: None.

Benzoic acid: None.

Camphor: Odor positive.

Ointment composed of vaseline and camphor with a small amount of aromatics resembling oil of thyme.

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, included in the circulars or pamphlets aforesaid, to wit, "An Infallible Remedy * * * A Positive Specific for the Speedy and Permanent Cure of Rheumatism, Lamé Back, Neuralgia * * * Sciatica * * * Eczema, Erysipelas * * * and all Scaly Eruptions * * * Scrofulous Ulcers, Piles * * * Croup * * *," "Inflamed Sore Eyes— * * * It takes out all inflammation and heals quickly," "It has cured catarrh where all other known remedies have failed," "* * * For ulceration of the Womb, Leucorrhœa * * * It is very soothing and healing and has effected remarkable cures," were false and fraudulent in that, by means of said circulars or pamphlets, they were applied to said article knowingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently

to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, as an infallible remedy and positive specific for the speedy and permanent cure of rheumatism, sciatica, eczema, erysipelas, and all scaly eruptions, scrofulous ulcers, piles, and croup; and effective as a cure for catarrh, inflamed sore eyes, ulceration of the womb, and leucorrhea; when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, ingredients or medicinal agents effective, among other things, as a remedy or specific for the cure of rheumatism, sciatica, eczema, erysipelas, or all scaly eruptions, scrofulous ulcers, piles, or croup; or effective for the cure of catarrh, inflamed sore eyes, ulceration of the womb, or leucorrhea.

On April 6, 1915, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$10.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., November 26, 1915.